

AMENDED IN ASSEMBLY APRIL 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2351**

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**Introduced by Assembly Member Roger Hernández**

February 18, 2016

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An act to ~~add Section 798.17.5 to~~ *repeal Section 798.17 of the Civil Code, relating to mobilehome parks.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2351, as amended, Roger Hernández. Mobilehome parks: rent control.

The Mobilehome Residency Law governs the terms and conditions of residency in mobilehome parks, and exempts a rental agreement that satisfies specified ~~criteria~~ *criteria, including that it be in excess of 12-months' duration*, from any ordinance, rule, regulation, or initiative measure adopted by a local governmental entity that establishes a maximum amount a landlord may charge a tenant for rent.

~~This bill would authorize the legislative body of a local governmental entity to enact a rent control ordinance for a mobilehome park within its jurisdiction when the vacancy rate in the park meets or exceeds an unspecified percentage over a certain period or where the rent charged to mobilehome park residents exceeds an unspecified percent of the average rents for mobilehome park residents within an unspecified radius of the park. repeal these provisions. The bill would make a statement of legislative findings.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) California is experiencing a housing crisis throughout the*  
4     *state.*

5     *(b) The preservation of affordable housing options and the need*  
6     *to create more housing opportunities requires increased funding*  
7     *and policy changes.*

8     *(c) Mobilehome parks are community-based, affordable housing*  
9     *options important to many residents in our state.*

10    *(d) Local governments need tools to ensure mobilehome parks*  
11    *remain available as affordable housing options.*

12    *(e) Current policy barriers inhibit local control on mobilehome*  
13    *parks.*

14    *(f) It is necessary to provide local governments with tools to*  
15    *preserve affordable mobilehome parks in their communities.*

16    *SEC. 2. Section 798.17 of the Civil Code is repealed.*

17    ~~798.17. (a) (1) Rental agreements meeting the criteria of~~  
18    ~~subdivision (b) shall be exempt from any ordinance, rule,~~  
19    ~~regulation, or initiative measure adopted by any local governmental~~  
20    ~~entity which establishes a maximum amount that a landlord may~~  
21    ~~charge a tenant for rent. The terms of a rental agreement meeting~~  
22    ~~the criteria of subdivision (b) shall prevail over conflicting~~  
23    ~~provisions of an ordinance, rule, regulation, or initiative measure~~  
24    ~~limiting or restricting rents in mobilehome parks, only during the~~  
25    ~~term of the rental agreement or one or more uninterrupted,~~  
26    ~~continuous extensions thereof. If the rental agreement is not~~  
27    ~~extended and no new rental agreement in excess of 12 months'~~  
28    ~~duration is entered into, then the last rental rate charged for the~~  
29    ~~space under the previous rental agreement shall be the base rent~~  
30    ~~for purposes of applicable provisions of law concerning rent~~  
31    ~~regulation, if any.~~

32    ~~(2) In the first sentence of the first paragraph of a rental~~  
33    ~~agreement entered into on or after January 1, 1993, pursuant to~~  
34    ~~this section, there shall be set forth a provision in at least 12-point~~  
35    ~~boldface type if the rental agreement is printed, or in capital letters~~  
36    ~~if the rental agreement is typed, giving notice to the homeowner~~  
37    ~~that the rental agreement will be exempt from any ordinance, rule,~~  
38    ~~regulation, or initiative measure adopted by any local governmental~~

1 entity which establishes a maximum amount that a landlord may  
2 charge a tenant for rent.

3 (b) ~~Rental agreements subject to this section shall meet all of~~  
4 ~~the following criteria:~~

5 (1) ~~The rental agreement shall be in excess of 12 months'~~  
6 ~~duration.~~

7 (2) ~~The rental agreement shall be entered into between the~~  
8 ~~management and a homeowner for the personal and actual~~  
9 ~~residence of the homeowner.~~

10 (3) ~~The homeowner shall have at least 30 days from the date~~  
11 ~~the rental agreement is first offered to the homeowner to accept~~  
12 ~~or reject the rental agreement.~~

13 (4) ~~The homeowner who signs a rental agreement pursuant to~~  
14 ~~this section may void the rental agreement by notifying~~  
15 ~~management in writing within 72 hours of returning the signed~~  
16 ~~rental agreement to management. This paragraph shall only apply~~  
17 ~~if management provides the homeowner a copy of the signed rental~~  
18 ~~agreement at the time the homeowner returns the signed rental~~  
19 ~~agreement.~~

20 (5) ~~The homeowner who signs a rental agreement pursuant to~~  
21 ~~this section may void the agreement within 72 hours of receiving~~  
22 ~~an executed copy of the rental agreement pursuant to Section~~  
23 ~~798.16. This paragraph shall only apply if management does not~~  
24 ~~provide the homeowner with a copy of the signed rental agreement~~  
25 ~~at the time the homeowner returns the signed rental agreement.~~

26 (c) ~~If, pursuant to paragraph (3) or (4) of subdivision (b), the~~  
27 ~~homeowner rejects the offered rental agreement or rescinds a signed~~  
28 ~~rental agreement, the homeowner shall be entitled to instead accept,~~  
29 ~~pursuant to Section 798.18, a rental agreement for a term of 12~~  
30 ~~months or less from the date the offered rental agreement was to~~  
31 ~~have begun. In the event the homeowner elects to have a rental~~  
32 ~~agreement for a term of 12 months or less, including a~~  
33 ~~month-to-month rental agreement, the rental agreement shall~~  
34 ~~contain the same rental charges, terms, and conditions as the rental~~  
35 ~~agreement offered pursuant to subdivision (b), during the first 12~~  
36 ~~months, except for options, if any, contained in the offered rental~~  
37 ~~agreement to extend or renew the rental agreement.~~

38 (d) ~~Nothing in subdivision (c) shall be construed to prohibit the~~  
39 ~~management from offering gifts of value, other than rental rate~~

1 reductions, to homeowners who execute a rental agreement  
2 pursuant to this section.

3 (e) ~~With respect to any space in a mobilehome park that is~~  
4 ~~exempt under subdivision (a) from any ordinance, rule, regulation,~~  
5 ~~or initiative measure adopted by any local governmental entity~~  
6 ~~that establishes a maximum amount that a landlord may charge a~~  
7 ~~homeowner for rent, and notwithstanding any ordinance, rule,~~  
8 ~~regulation, or initiative measure, a mobilehome park shall not be~~  
9 ~~assessed any fee or other exaction for a park space that is exempt~~  
10 ~~under subdivision (a) imposed pursuant to any ordinance, rule,~~  
11 ~~regulation, or initiative measure. No other fee or other exaction~~  
12 ~~shall be imposed for a park space that is exempt under subdivision~~  
13 ~~(a) for the purpose of defraying the cost of administration thereof.~~

14 (f) ~~At the time the rental agreement is first offered to the~~  
15 ~~homeowner, the management shall provide written notice to the~~  
16 ~~homeowner of the homeowner's right (1) to have at least 30 days~~  
17 ~~to inspect the rental agreement, and (2) to void the rental agreement~~  
18 ~~by notifying management in writing within 72 hours of receipt of~~  
19 ~~an executed copy of the rental agreement. The failure of the~~  
20 ~~management to provide the written notice shall make the rental~~  
21 ~~agreement voidable at the homeowner's option upon the~~  
22 ~~homeowner's discovery of the failure. The receipt of any written~~  
23 ~~notice provided pursuant to this subdivision shall be acknowledged~~  
24 ~~in writing by the homeowner.~~

25 (g) ~~No rental agreement subject to subdivision (a) that is first~~  
26 ~~entered into on or after January 1, 1993, shall have a provision~~  
27 ~~which authorizes automatic extension or renewal of, or~~  
28 ~~automatically extends or renews, the rental agreement for a period~~  
29 ~~beyond the initial stated term at the sole option of either the~~  
30 ~~management or the homeowner.~~

31 (h) ~~This section does not apply to or supersede other provisions~~  
32 ~~of this part or other state law.~~

33 SECTION 1. ~~Section 798.17.5 is added to the Civil Code, to~~  
34 ~~read:~~

35 798.17.5. ~~Notwithstanding Section 798.17, with respect to~~  
36 ~~mobilehome park rents within its territorial jurisdiction, the~~  
37 ~~legislative body of a local governmental entity may enact a rent~~  
38 ~~control ordinance for a mobilehome park where the vacancy rate~~  
39 ~~exceeds \_\_\_\_\_ percent for a period of \_\_\_\_\_ months or where the~~  
40 ~~rent charged to mobilehome park residents exceeds \_\_\_\_\_ percent~~

- 1 of the average rents for mobilehome park residents within a \_\_\_\_\_
- 2 mile radius of that park.

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